

SEP 10 2020

John Vidurek
1 South Drive
Hyde Park, NY. 12538

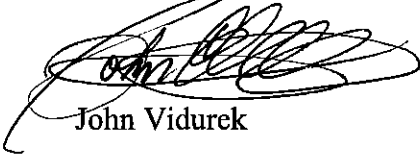
September 10, 2020

Dear Clerk;

Please time stamp enclosed default and return in self-addressed stamped envelope.

Thank You.

Respectfully;

A handwritten signature in black ink, appearing to read "John Vidurek", is written over a horizontal line.

John Vidurek

(845) 229-0250

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

• 300 Quarropas Street, White Plains, NY 106011 •

John Vidurek, Kimberly Vidurek, and James Vidurek;
Plaintiffs

- against -

Pim Pollen, Margareth de Wit, Alessandro Donetti,
N Cassadine, J Melendez, Susan Lamastro, Jeanette Willet,
Frank J Chan, Charles P. Rettig, and Bobbi S Martin;

Defendants

JURISDICTION: Court of Record

Docket No. 7:20-cv-06714

AFFIDAVIT OF DEFAULT

NEW YORK STATE)
):SS
DUTCHESS COUNTY)

SEP 15 2020

I, John Vidurek, Affiant, hereinafter plaintiff in pro per and next friend for plaintiffs' Kimberly Vidurek and James Vidurek above, being of lawful age, qualified and competent to testify to, and having firsthand knowledge of the following facts, do hereby swear that the following facts are true, correct and not misleading:

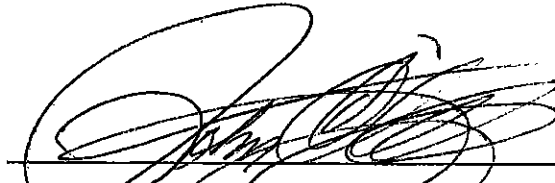
WHEREAS: on July 21, 2020, petitioners filed an Action at Law, see "Summons" attached, in the Dutchess County New York Supreme Court [Index No. 2020-610]. And served upon the defendants; see affidavit of service dated July 22, 2020, attached. Defendants named above moved said case to the above said court and copied a "Notice of Removal," attached, to plaintiffs on August 28th 2020; however the deadline for doing so was on August 27, 2020. The record shows that no respondent made any Return; no respondent requested more time to answer; and, no respondent provided any objection to the proceedings. Therefore a summary judgment for default is in order for the relief demanded in the Action at law.

Default Judgment - Entering a Default: *"When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend; and, that failure is shown by Affidavit or otherwise, the clerk must enter the party's default."*

FRCP Rule 55(a); FRCP Rule 58(b) (2); 28 U.S.C. §2243.

Seal

New York, Dutchess County, September 10, 2020



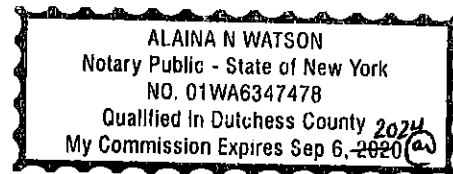
John Vidurek, in pro per, and as next friend on
behalf of Kimberly Vidurek and James Vidurek

NOTARY

New York State, Dutchess County on this 10th day of September 2020 before me, the subscriber, personally appeared John Vidurek to me known to be the living man described in and who executed the forgoing instrument and sworn before me that he executed the same as their free will act and deed.



Notary



**NEW YORK STATE SUPREME COURT
DUTCHESS COUNTY**

• 10 Market Street Poughkeepsie, NY 12601 •

John Vidurek, Kimberly Vidurek, and James Vidurek;
Plaintiffs

- against -

Pim Pollen, Margareth de Wit, Alessandro Donetti,
N Cassadine, J Melendez, Susan Lamastro, Jeanette Willet,
Frank J Chan, Charles P. Rettig, and Bobbi S Martin;

Defendants

JURISDICTION: Court of Record
Index No. **2020-610**

SUMMONS

CLERK'S OFFICE
RECEIVED
JUL 21 PM 4:33

YOU ARE HEREBY SUMMONED to appear and answer this endorsed summons in the New York Supreme Court, County of Dutchess, Court of Record; located at 10 Market Street, Poughkeepsie, New York 12601;

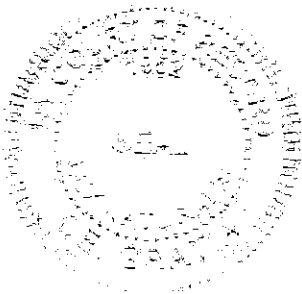
You must answer within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached action. Motions in order to avoid an answer are not permitted under common law.

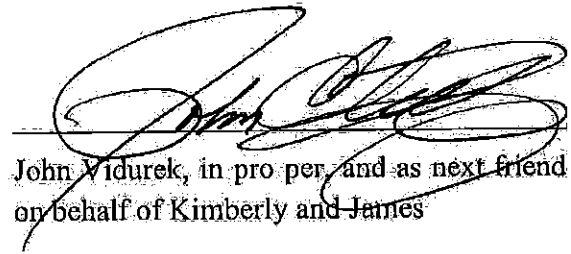
Upon your failure to appear and answer, judgment will be taken against you for the relief demanded in the complaint, together with the cost of this action.

You also must file your answer with the above said court.

Seal

New York, Dutchess County, July 21, 2020




John Vidurek, in pro per, and as next friend
on behalf of Kimberly and James

AFFIDAVIT OF SERVICE

New York State)
) ss:
Dutchess County)

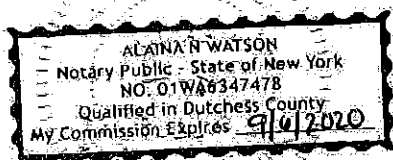
I, Jonathan Schultz, being duly sworn, deposes and says: I am not a party to this action and am over 18 years of age. On the 22nd day of July, 2020, I served the within an Action at Law to show cause with summons, Refund status report, Notice and Demand, Notice of Tax Lien dated 4-26-13, Apology letter dated 8-7-13, Release of lien dated 9-18-13, Bill from IRS for \$80.00 dated 9-2-13, and Taxpayer Advocate Service Fraudulent Letter dated 11-14-14, Notice of deficiency from Susan Lamastro dated 6-17-2019, James letter dated 6-27-19, Notice of intent to levy dated Oct/Nov 2019 on James, Notice of intent to levy dated 01-16-19 on John, John's affidavit, Notice of intent to levy dated 12-16-19 on James, Notice of intent to levy dated 12-16-19 on Kimberly, Kimberly's affidavit, Threatening Intimidating Letter from Frank J Chan dated 12-26-19, John's affidavit, Letter from rouge agent Bobbi S. Martin dated February 25, 2020 to John, James, and Kimberly, Form letter notice CP40 dated March 30, 2019 to James, James's 1040, Affidavit of service for Notice and Demand, and Affidavit of service for Show Cause upon the following names and addresses set forth below, by mailing a true copy of the attached papers, enclosed and properly sealed in a postpaid envelope, which I deposited in an official depository under the exclusive care and custody of the United States Postal Services within the State of New York addressed to:

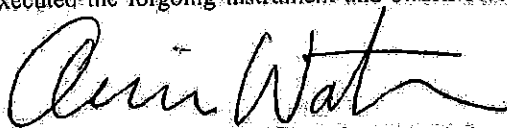
- Pim Pollen, CEO, CBE Group, PO Box 126 Waterloo, IA 50704
- Margareth de Wit, CFO, CBE Group, PO Box 126 Waterloo, IA 50704
- Alessandro Donetti, CCO, CBE Group, PO Box 126 Waterloo, IA 50704
- N Cassadine, DOT Small Business, 300 Commerce Drive, New Windsor, NY 12553
- J Melendez, Taxpayer Advocate Service, PO Box 1640, Ogden, UT 84402-1640
- Susan Lamastro, DOT, IRS, 240 Broadway - 14th Floor, NY, NY 10007
- Jeanette Willet, DOT Small Business, 300 Commerce Drive, New Windsor, NY 12553
- Frank J Chan, IRS ACS Correspondence PO Box 8208, Philadelphia, PA 19101
- Charles P. Rettig, IRS, 1111 Constitution Avenue N.W., Washington, D.C. 20224
- Bobbi S Martin, DOT, IRS, Fresno Service Center, Fresno, CA 93888-0030

(Signature) 

NOTARY

State of New York, County of Dutchess, on this 22nd day of July, 2020 before me, the subscriber, personally appeared Jonathan Schultz to me known to be the living man describe in and who executed the forgoing instrument and sworn before me that he executed the same as his free will act and deed.





Notary

AUDREY STRAUSS

Acting United States Attorney for the
Southern District of New York

By: BRANDON H. COWART

Assistant United States Attorney

86 Chambers Street, 3rd Floor

New York, New York 10007

Telephone: (212) 637-2693

Facsimile: (212) 637-2686

E-mail: brandon.cowart@usdoj.gov

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN VIDUREK, KIMBERLY VIDUREK and
JAMES VIDUREK,

Plaintiffs,

-against-

PIM POLLEN, MARGARETH DE WIT,
ALESSANDRO DONETTI, N CASSADINE, J
MELENDEZ, SUSAN LAMASTRO, JEANETTE
WILLET, FRANK J CHAN, CHARLES P.
RETTIG, and BOBBI S MARTIN,

Defendants.

20-CV 6714 (CS) (PED)

CERTIFICATE OF SERVICE

I, Brandon Cowart, an Assistant United States Attorney for the Southern District of New York, hereby certify that on August 28, 2020, I caused a copy of the Notice of Removal for the case captioned *Vidurek v. Pollen, et al.*, Index No. 2020-610 (N.Y. Sup. Ct. Dutchess Co.), to be mailed by FedEx overnight delivery, postal charges prepaid, to the following address: Dutchess Supreme Court Clerk's Office, 10 Market Street, Poughkeepsie, NY 12601.

I further certify that on August 28, 2020, I caused (i) a copy of the same foregoing Notice of Removal; (ii) a copy of the SDNY Electronic Case Filing Rules & Instructions; and (iii) a copy of the Individual Practices Rules of the Hon. Cathy Seibel and the Hon. Paul E. Davison, to be served upon the following by FedEx overnight delivery, postal charges pre-paid:

John Vidurek, Kimberly Vidurek, and James Vidurek
1 South Drive
Hyde Park, NY 12539

Dated: New York, New York
September 4, 2020

AUDREY STRAUSS
Acting United States Attorney for the
Southern District of New York

By: /s/ Brandon H. Cowart
BRANDON H. COWART
Assistant United States Attorney
86 Chambers Street, Third Floor
New York, New York 10007
Telephone: (212) 637-2693